

TAMERA E. INGRAM,)
)
 Plaintiff,)
)
 VS.) No. 18-2294-JDT-cgc
)
 LEBONHEUR CHILDREN’S)
 HOSPITAL, ET AL.,)
)
 Defendants.)

On May 1, 2018, Plaintiff Tamara E. Ingram, a resident of Memphis, Tennessee, filed a *pro se* civil complaint and a motion to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) The complaint is filed on the form used for commencing actions pursuant to 42 U.S.C. § 1983. The Defendants named in the case caption are LeBonheur Children’s Hospital (the “Hospital”); Dr. Bowden; Dr. Yaun; University of Tennessee (U.T.) LeBonheur Pediatrics, 3rd Floor (“UT LeBonheur”); “Regional One birthplace”; the “Security Guards for the clinic”; and the “UTHSC police for the clinic.”¹ (ECF No. 1 at 1.) The body of the complaint also lists Jessica Harrison as a Defendant. (*Id.* at 2.) On May 23, 2018, U.S. Magistrate Judge Charmiane G. Claxton granted Plaintiff leave to file the complaint *in forma pauperis*. (ECF No. 7.)

¹ UTHSC is the U.T. Health Science Center in Memphis, Tennessee.

Magistrate Judge Claxton issued a Report and Recommendation (R&R) on November 7, 2018, in which she recommended the complaint be dismissed *sua sponte* for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). (ECF No. 8.) Objections to the R&R were due on or before November 26, 2018. *See* Fed. R. Civ. P. 72(b)(2); *see also* Fed. R. Civ. P. 6(a), (d). However, Plaintiff has filed no objections.

Plaintiff alleges that on March 6, 2018, she took her infant daughter, who previously had been hospitalized, for a follow-up medical appointment. Plaintiff further alleges Dr. Bowden acted unprofessionally during that appointment and had Plaintiff committed to the Memphis Medical Health Institute. Plaintiff was released at an unspecified time, but she alleges that her daughter was taken to a hospital where the infant's blood was drawn, all without Plaintiff's consent. (ECF No. 1 at 2.)

Similarly, on March 27, 2018, Plaintiff took her daughter to an doctor's appointment for the child's six-month immunizations. She alleges Dr. Yaun acted unprofessionally during that appointment and had Plaintiff arrested because he thought she was unstable and could not care for her children. Plaintiff states the Department of Children's Services was involved and that her vehicle was towed and impounded. She alleges her character was defamed. (*Id.*)

In the R&R, Magistrate Judge Claxton determined the complaint is subject to dismissal in its entirety. She found that Plaintiff has failed to state a claim under 42 U.S.C. § 1983 because she has not identified any constitutional right that was violated by the doctors' actions and has failed to assert the Defendants were acting under color of law.² The Court finds no error in those

² In addition, the complaint contains no factual allegations against any of the named Defendants other than Dr. Bowden and Dr. Yaun. When a complaint fails to allege any action by a defendant, it necessarily fails to "state a claim for relief that is plausible on its face." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007).

conclusions. Therefore, the R&R is ADOPTED, and this case is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted.

It is CERTIFIED, pursuant to Federal Rule of Appellate Procedure 24(a), that any appeal in this matter by Plaintiff would not be taken in good faith. Leave to appeal *in forma pauperis* is, therefore, DENIED. Accordingly, if Plaintiff files a notice of appeal, she must also pay the full \$505 appellate filing fee to the District Court Clerk or file a motion for leave to appeal *in forma pauperis* and supporting affidavit in the Sixth Circuit Court of Appeals.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE